

REMARKS

By this submission previously pending claim 6 is amended. No new matter is introduced by the submitted amendments.

It is requested in view of the now submitted amendments along with the following discussions that all rejections reported in the previously issued Office action be reconsidered and not repeated in any further action issued for this application.

Claim Rejection – 35 USC §103

It is reported that all pending claims 6 through 13 are rejected under 35 USC §103(a) as being obvious over “applicant admitted prior art (specification, description of the related technology) in view of Jost et al. (USPN 5,637,010) and/or Michaels et al. (USPN 4,255,007).” These reported rejections are believed to be overcome and are traversed as is explained in the following discussion where the now submitted amendments for independent claim 6 are addressed as to their emphasis of both the distinguishing and previously recited limitations.

All of the reported rejected claims 7 through 13 are dependent from base independent claim 6. Therefore, if independent claim 6 recites nonobvious subject matter, all claims dependent from this independent claim that are reported as being obvious also recite allowable subject matter:

Dependent claims are nonobvious under 103 if the independent claims from which they depend are nonobvious. (Citations omitted, In re Fine, 5 USPQ2d 1596, 1600 (Fed. Cir., 1988))

In view of this situation all of the following discussion is directed to why independent claim 6 recitations distinguish covered subject matter from all cited art relied on in the outstanding Office action.

As bases for the reported section 103 rejections it is explicitly stated in the outstanding Office action that:

Applicant admitted prior art discloses all that which is claimed except for the contact carrier sleeve is fixed at a second rotation position about the contact carrier. Jost, however, teaches the use of a sleeve (30) that can be separated attached to the different built-in, coupling and angle connectors etc. Further, Michael discloses a multi-terminal rotary connector assembly having a plug rotated with respect to the receptacle to its locked position. Therefore, it would have been obvious to one skilled artisan at the time the invention was made to include the teaching of Jost and Michaels in the admitted prior art in order to employ a removable and rotary contact sleeve and thereby it can be adjusted from a first orientation to a different second orientation as needed. (Page 2, para. 3)

It first is noted that previously pending claim 6 recited structural limitations of the invention that included having “said contact carrier sleeve...disposed to fit about said contact carrier so that said contact carrier sleeve is fixed at a first rotational position about said contact carrier so that said contact carrier sleeve can be moved along a length of said contact carrier, and said contact carrier sleeve opening can be further disposed so that said contact carrier sleeve is fixed at a second rotation position about said contact carrier so that said contact carrier sleeve can be moved along the length of said contact carrier....” These recited limitations are substantively acknowledged in the Office action where it is stated that employing a “removable and rotary contact carrier sleeve...[so it] can be adjusted from a first orientation to a different second orientation as needed” is obvious in view of the admitted art over Jost et al. and Michaels et al. These conclusions as being suggested from prior publications are traversed.

Initially it is explicitly noted that neither Jost et al. nor Michaels et al. disclose or suggest individually or in any permissible combination having a contact carrier sleeve type structure orientated to be in any fixed first and/or second rotational position about a contact carrier structure so that the contact carrier sleeve can be moved along a length of the contact carrier while the contact carrier sleeve is fixed at one of the rotational positions. Further, such teaching, disclosure or suggestion is admitted in the Office action as not arising from the art disclosed in the specification by the statement that such art fails to disclose having “the contact carrier sleeve...fixed at a second rotation position about the contact carrier.”

With respect to these previously pending structural limitation recitations, it is further admitted in the Office action that “Michael discloses a multi-terminal rotary connector assembly having a plug rotated with respect to the receptacle to its locked position.” As such this admission is not traversed. Michaels et al. indeed, to the best of the undersigned attorney’s understanding, does not disclose or suggest a contact carrier sleeve structure that can be disposed at either a fixed first or a fixed second rotational position for movement along a length of a contact carrier structure while the contact carrier sleeve structure is disposed at such fixed rotational positions. Similarly, Jost et al. fails to disclose or suggest such structure. In fact, Jost et al. discloses a sleeve 30 surrounding a housing 3’ (col. 2, lines 54-61), and further discloses that the housing 3’ is a “tubular housing” (col. 2, lines 22-23). Nowhere in Jost et al. was a disclosure nor suggestion found for structure or even reason to restrict rotation of sleeve 30 about housing 3’ at any fixed rotational position much less at any two specified fixed rotational positions.

To emphasize the subject previously pending structure recitations, claim 6 now is amended to recite that “said contact carrier sleeve...[is] disposed to fit about said contact carrier so that said contact carrier sleeve is fixed at a...rotational position about said contact carrier so that said contact

carrier sleeve can be moved along a length of said contact carrier without rotation about said contact carrier from said...rotational position." (Underlined recitation introduced by this submission)¹ Such amendment is directed to emphasize the previously pending "fixed at a...rotational position" structural limitation and associated recitations for the dispositions of the contact carrier sleeve with respect to the contact carrier. It is believed that such prior recitations and the now introduced emphasizing recitations distinguish over all relied on cited art, and that independent claim 6 and its dependent claims therefore are all nonobvious.

The final matter raised in the Office action with respect to 35 USC §103 rejections is citation of In re Stevens, 101 USPQ284 (CCPA 1954) for the proposition that "the provision of adjustability, where needed, involves only routine skill in the art." As is discussed above, more than adjustability is recited in the subject claims. In fact, the subject recitations as discussed above are not disclosed or suggested in any relied on cited art or combination of such cited art because of unique structures and their combinations -such as sliding parts having rotation restrictions- as are recited in independent claim 6.

Accordingly, it is believed that all reported rejections under 35 USC §103 are overcome.

Prior Filed Information Disclosure Statement

According to the received Office action and its attachments, there is no acknowledgment of the Information Disclosure Statement and its submitted PTO/SB/08A form that was filed on December 17, 2003 for this application. Again, it is requested that the information submitted with that filing be expressly considered during prosecution of this application, and that the cited reference be made of record and appear among "References Cited" on any patent to be issued.

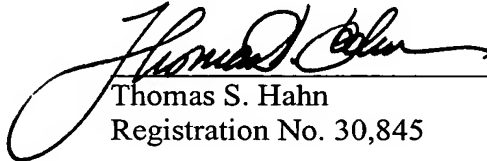
¹ The other now submitted claim amendments also are directed to claim 6, and are intended to conform recited subject matter to specification disclosures and to conform for clarity a previously pending recitation; namely, the previously pending recitation for a "second rotation position" is amended to read a "second rotational position" as does the claim recitation for a "first rotational position." Again, no new matter will be introduced by these amendments.

CONCLUSION

In light of the above discussions, it is believed that now amended independent claim 6 and all of its pending dependent claims are in condition for allowance and a notice of the same is requested. Should the Examiner have any question, request or suggestion, he is invited to contact the undersigned attorney at the telephone number set out below.

Respectfully submitted,

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Date



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